

**Village of Lansing
Planning Board Meeting
September 12, 2005**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, Carol Klepack and Maria Stycos; Attorney David Dubow; Engineer Brent Cross; Code Enforcement Officer Ben Curtis and members of the public.

Public Comment:

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Stycos moved to close the Public Comment period. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Public Hearing - Special Permit No. 2054 - Squeaky Clean Car Wash addition:

The next item on the agenda was a Public Hearing for Special Permit No. 2054, Squeaky Clean Car Wash, to construct a 2800 sf addition to the existing car wash at 2326 North Triphammer Road to include 4 self-serve car wash bays and accessory office space. The property is located in the Commercial High Traffic District, Tax Parcel Number 47.1-1-17.5.

Hickey stated Proof of Mailings had been received.

George Frantz, George Frantz & Associates, made the presentation for the developer. Frantz stated the proposal is for an addition to the existing structure of 2200 sf for a 4-bay car wash with an additional 600 sf of office space on the second floor. Vehicles would enter by going around the current building and enter the two tunnels which would each have two bays and would then exit onto Catherwood Road. There would be a retaining wall between the new exit and current exit so exiting vehicles would not mix. Also proposed are 6 parking spaces but they would like to consider waiving 20% or 1 space as only 5 spaces are needed. The largest change visually would be from the rear as the addition viewed from Catherwood Road. The building will be of the same architectural style as it currently is. There will be an escape route along the west side of the building. There will also be a retaining wall along the west property line from a few feet in height at the Catherwood Road end to approximately 12 feet in height at the northern end. This textured retaining wall will be visible from the rear of the property. Frantz showed the Board two views of the retaining wall from Pyramid Mall and from Catherwood Road which shows the screening by existing trees which blocks much of the wall. Frantz stated the vegetation as well as the building itself would minimize the visual impact of the wall.

Frantz stated they would need 2 variances from the BZA. The side yard setback deficiency on the west side would require a variance as well as the extension of the existing front yard setback deficiency along Catherwood Road. Hickey opened the Public Hearing.

John Wisor, 9 Leifs Way, asked about the hours of operation of the business. Owner Gary Sloan responded that the self-serve bays would be open 24 hours a day but the automatic section hours would remain the same as at present.

There being no one else who wished to speak, Klepack moved to close the Public Hearing. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Hickey asked about the trees on the plans. There are two existing street trees that would be moved from N. Triphammer Road to Catherwood Road. Hickey asked if moving them would block the view of traffic and he was told they would not.

Hickey asked about a photograph which would show the wall at present. Frantz provided a distance photo for Board review which shows the current bank.

Klepack asked about the Lansing Village Place sign. Frantz showed where it would be on the diagram. Sloan showed what the wall would look like. Sloan stated it would be a stone or slate colored wall with a white picket fence on top. Plants or ivy are proposed for the wall. Stycos stated the pictures were beneficial for helping her answer the questions she had.

Sloan explained the reason for the escape route. He stated it would also have a ten foot clearance.

Curtis stated the parking requirement requires the applicant to show that the driveways and parking are adequate for the site. Curtis stated that the "auto sales and services" zoning use category provides flexibility and calculations on the number of employees, worse case scenarios, etc. by the applicant would determine the number of spaces required. Sloan stated there are 5 employees at a maximum and often only 2 or 3. Sloan stated this would also include the office worker as that work is done in about 12 hours a week. Stycos asked about cars requiring detail work. Sloan stated this is done during the April to October months and there is adequate parking during those months as there are fewer employees then.

Cross stated as long as there is adequate parking he has no concerns or further questions.

Klepack asked about the two exits in such close proximity and the juggling of positions with two bays in each lane. She feels only one bay per lane might be a better arrangement. Cross is unconcerned about the proposal from a safety perspective. Sloan also stated there would be arrows and markings to assist motorists. Frantz stated motorists would be very cautious when using the escape road. Klepack stated making the exit a few feet wider would not be an improvement as the entire situation could cause potential conflicts between motorists waiting for and using bays. Sloan stated he has seen the 4 bay system function in Albany and with only two bays, the project would not be feasible financially.

Cross stated he has spoken with Superintendent of Public Works John Courtney who expressed his concerns about the location of the underground storm water drainage pipe in relation to the building. Cross stated it can now be seen on the drawings. A second concern is that the Village would have to assume the liability of the pipe. Attorney Dubow confirmed that it would be the responsibility of the owner to maintain the pipe as it is on private property. Hickey stated a condition of approval of the project would be approval of the Village Engineer for the pipe. Cross is currently approving the location of the pipe.

Next, the Board reviewed the SEQRA short form EAF Part 2 A - No, B - No, C1 - No, the drainage and the wall needs to be reviewed and approved by the Village Engineer. C2 - No, C3 - No, C4 -No, C5 - No, C6 - No, C7 - No, water will be 50% recycled. D - No.

Phil Dankert moved the following resolution, seconded by Klepack:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL PERMIT NO. 2054 ADOPTED ON SEPTEMBER 12, 2005

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit 2054, Squeaky Clean Car Wash, to construct a 2800 sf addition to the existing car wash at 2326 North Triphammer Road to include 4 self-serve car wash bays and accessory office space. The property is located in the Commercial High Traffic District, Tax Parcel No. 47.1-1-17.5; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and
- C. On September 12, 2005, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York

State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

The vote on the foregoing motion was as follows:

AYES: Ned Hickey, Carol Klepack, Maria Stycos, Phil Dankert and Doris Brown

NAYS: none

The motion was declared to be carried.

Next, the Board reviewed the General Conditions for all Special Permits in Zoning Law Section 304.05 to confirm that General Conditions a-j have been met by the applicant.

The Board discussed making a recommendation to the BZA for variance setbacks. Hickey stated the Board has reviewed the setbacks and feel they would not be detrimental. Curtis and Hickey will send a memo to the BZA.

Stycos moved the following resolution, seconded by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2054 ADOPTED
ON SEPTEMBER 12, 2005**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit 2054, Squeaky Clean Car Wash, to construct a 2800 sf addition to the existing car wash at 2326 North Triphammer Road to include 4 self-serve car wash bays and accessory office space. The property is located in the Commercial High Traffic District, Tax Parcel No. 47.1-1-17.5; and
- B. On August 30, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other

information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations, whereupon the Board determined that additional information and materials were required; and

- C. On September 12, 2005, the Village of Lansing Planning Board held a further public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the original and supplemental materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearings and/or otherwise raised in the course of the Board's deliberations; and
- D. On September 12, 2005, the Village of Lansing Planning Board determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- E. On September 12, 2005, in accordance with Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Village of Lansing Planning Board hereby finds that the proposed action **meets** (i) all general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) all applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) all applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305); and
- 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2054 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
 - 1. The granting by the Village of Lansing Board of Zoning Appeals of the necessary area variances consistent with the site plan being hereby approved as part of the special permit approval, the granting of which variances the Village Planning Board recommends to the Village of Lansing Board of Zoning Appeals.
 - 2. Approval by the Village Engineer of a storm water management plan, the drainage pipe along the west side of the property behind the retaining wall and the retaining wall itself.
 - 3. Approval of a lighting plan by the Village of Lansing Lighting Commission.
 - 4. Implementation of the Landscape Plan.

5. Approval by the Village Engineer of a traffic circulation plan.

The vote on the foregoing motion was as follows:

AYES: Ned Hickey, Carol Klepack, Maria Stycos, Phil Dankert and Doris Brown

NAYS: none

The motion was declared to be carried.

Shared Parking - Continued Discussion:

Hickey stated the next item on the agenda was shared parking. In going through his files, he found material on this topic from 1989 and 1991. Hickey feels shared parking regulations are usually for districts with mixed use. It seems to work where peak parking for one property is at a different time of the day than that of a neighboring property. Hickey feels the Board needs to discuss whether provision for this should be added to the Zoning Law as it presently does not exist. Hickey stated this might come in to play with the Triphammer Mall as there is currently a lot of blacktop on that site and some neighboring properties might be able to use that for parking rather than paving additional area. Hickey stated there are currently discussions to remove the old Cinema Theater and replace it with a long-term residential hotel. Curtis stated that the law as presently written requires that all parking must be on the lot where the use exists. Curtis stated Tops Plaza was subdivided with cross covenants to permit spill-over parking from one parcel to the other. Dubow stated the Board also addressed this with the Park Foundation and the neighboring property where both were owned by the same owner. Hickey stated the preamble to the law might need to be changed to allow parking on another lot. Dubow noted that the requirement was modified by the provision, "unless otherwise stated" which might give the Planning Board the flexibility it needs. Klepack noted subsequent changes in use to ones where parking needs do not offset each other may cause problems. Dubow stated the Board can impose a condition that all parking be on site. Dubow stated that "unless otherwise stated" extends to Planning Board decisions waiving or modifying the requirement, and the Board can use this language to permit shared parking when and under whatever conditions it deems appropriate.

Hickey stated residential properties state two parking spaces per dwelling unit and Hickey feels this may be insufficient for many homeowners. Dubow felt this may have been targeted for multiple dwelling units.

Hickey stated the Cinema proposal will be on the agenda for October. The proposal is for 90 units with a projected occupancy rate of 70%.

Greenway Trail Names:

Hickey stated Hart's Walk was suggested by Janivar Drive residents for the trail in their area. The other suggestion was Wood Thrush Hollow Walk for the continuation path from Wood Thrush Hollow Road. Hickey will forward both of these names to the Board of Trustees for their approval. This will require an amendment to the Greenway Plan.

New York Planning Federation Conference - Reservations:

Hickey stated reservations are needed by Sept. 15 for the reduced rate. Klepack stated she can not attend. Dankert will check whether he will be able to attend. Curtis will make the reservations. Mario Tomei, Ben Curtis, John Wisor, and possibly Phil Dankert, will attend as may some BZA members.

Hickey will call County Planner Joan Jerkowitz and inquire about the apparent lack of basic training programs for new members at the Planning Federation Conference.

Approval of Minutes - August 30

Stycos moved to approve the minutes of August 30th as revised. Seconded by Klepack. Ayes by Brown, Hickey, Klepack and Stycos. Abstain by Dankert. Minutes approved.

Planning Board Goals:

Hickey stated the Board has accomplished goal numbers 1-4 and have discussed number 5. Hickey stated the Board still needs to continue discussion on number 4 which is Special Permit and Subdivision Regulations. Hickey stated he has contacted Mayor Hartill regarding codification and the Mayor responded that it would be approved shortly. Dubow stated that a local law for the codification will be drafted after which the Trustees will set a Public Hearing. Thirty days must also be provided to the County for their 239 review and copies should be sent to adjoining municipalities. Dubow feels the final approval may be in late October or November after comments are reviewed. Dubow noted this project has been a long time in the works and updates and revisions will undoubtedly need to be done, but it seems more important now to get it adopted. It will be amended as time goes by just as it always has been. Curtis and Dubow stated the index needs work and there may be a computer program or a class project that could assist with this. Dubow stated it is important to incorporate changes of the law directly as they occur into the text. Hickey would recommend the Board review the copy when it is approved as a number of items, including the numbering, will be changed. Hickey will request enough copies of the codified document for each Board member to have one. Board members discussed what would and would not be included in codification and the effect of each.

Returning to 2005 Planning Goals, Hickey stated that item number 6, Wetland Protection, needs to be further discussed. Curtis reminded Hickey that County Planner Kate Hackett has provided information to the Board indicating that smaller wetlands – 12 acres or less – would not be protected by State and Federal regulations, but that local municipalities could adopt regulations to do so. Curtis felt the US Soil & Water Conservation might be a useful resource to delineate wetlands. Cross stated the Army Corps of Engineers also makes determinations. Curtis also noted there is a Bush Lane resident who teaches a GIS course at Cornell and has approached the Village to see if there are projects they might help with. Curtis will follow up on this issue.

Board members would like to continue working on the final two goals and will then contemplate new goals in January.

Reports: None

Other Business as Time Permits: None

Adjournment:

Klepack moved to adjourn at 9:45 P.M. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.